

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CEDRIC CUREAUX,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. C16-1456-RSM-MAT

REPORT AND RECOMMENDATION

This is a 42 U.S.C. § 1983 prisoner civil rights action. Plaintiff, who is proceeding *pro se*, was incarcerated at the King County Jail when he initiated this action. On October 14, 2016, the Court issued a second order directing service on certain defendants who had not been served previously. (Dkt. 10.) On October 26, 2016, the copy of that order that had been mailed to plaintiff at his address of record was returned to the Court as undeliverable because plaintiff was “not here.” (Dkt. 19.) To date, plaintiff has not provided the Court with an updated address.

Pursuant to Local Civil Rule 41(b), *pro se* parties are required to keep the Court and opposing parties advised of their current mailing address. Local Rules W.D. Wash. LCR 41(b). If mail sent to a *pro se* petitioner by the Clerk is returned as undeliverable, and if the plaintiff fails to notify the Court and opposing parties of his or her current mailing address within 60 days

1 of the mail being returned as undeliverable, the Court may dismiss the action without prejudice
2 for failure to prosecute. *Id.* Here, more than 60 days have passed since the copy of the Court's
3 second service order was returned as undeliverable. Accordingly, the Court recommends that
4 this action be DISMISSED without prejudice for failure to prosecute. *See* Local Rules W.D.
5 Wash. LCR 41(b). A proposed Order accompanies this Report and Recommendation.

6 DEADLINE FOR OBJECTIONS

7 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
8 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
9 and Recommendation is signed. Failure to file objections within the specified time may affect
10 your right to appeal. Objections should be noted for consideration on the District Judge's
11 motions calendar for the third Friday after they are filed. Responses to objections may be filed
12 within **fourteen (14) days** after service of objections. If no timely objections are filed, the
13 matter will be ready for consideration by the District Judge on **January 20, 2017**.

14 DATED this 28th day of December, 2016.

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16 Mary Alice Theiler
17 United States Magistrate Judge
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